

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**CORDELL YOUNG  
and DAVON JONES,**

**Plaintiffs,**

**v.**

**SERGEANT WALTERS  
and SERGEANT HEIDER**

**Defendants.**

**Case No. 1:23-CV-160**

**MEMORANDUM ORDER**

This action was received by the Clerk of Court on May 26, 2023. The matter was assigned and later referred to Chief United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Plaintiffs, two inmates incarcerated within the State Correctional system, bring this action against two guards, Defendants Walters and Heider. Plaintiffs bring multiple civil rights claims against these Defendants. ECF No. 6. In response to the complaint, Defendants move for a partial dismissal. ECF No. 24.

On July 18, 2024, Judge Lanzillo issued a Report and Recommendation recommending that the partial motion to dismiss be granted. Despite being given the opportunity to do so, neither party has filed objections to the Report and Recommendation.


Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Local Rule 72(D)(2).

After *de novo* review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 9th day of August 2024;

IT IS ORDERED that the partial motion to dismiss [ECF No. 24] be granted. All claims against Defendant Heider are dismissed and the Clerk should be directed to terminate him from the docket. Furthermore, all claims against Defendant Walters in his official capacity are dismissed. These dismissals are with prejudice. Plaintiffs' excessive force claim against Walters will proceed to discovery.

AND IT IS FURTHER ORDERED that the report and recommendation of Chief Magistrate Judge Lanzillo, issued on July 18, 2024 [ECF No. 44] is adopted as the opinion of the court.

  
SUSAN PARADISE BAXTER  
United States District Judge